

April 6, 1981.

Mrs. James J. Berna
Airy Hill Farm
Chestertown, Md.

Dear Mrs. Berna:

I looked up the deed to your property and to those of adjacent lands, and superimposed them on a tracing of an aerial photo. The enclosed sketch is the result.

The description in your deed is based upon a survey by J. B. Metcalfe in 1951. This is outlined in red on my sketch. Mr. Rusk sold a parcel to the Chester River Yacht & Country Club, leaving your remaining land outlined in yellow. Using descriptions that I was able to dig out of the Land Records, I have dotted in the lines of adjoining properties.

The 1951 survey and the more recent one of the land sold to the country club are considered, by Eastern Shore standards, modern surveys. There do not appear to be any major discrepancies between the various deeds or claims by recent surveys against your lands.

I would be happy to survey any or all of your property for you. If you so decide, I can bill you for my time in the court house and on the drawing board, and you can choose not to have a survey done at all. If you would like discuss this further, I will meet with you at your convenience.

Sincerely yours,

November 4, 1981.

Mr. James J. Berna
Airy Hill Farm
Chestertown, Md.

Dear Mr. Berna

Enclosed are copies of the revised survey of your woodlots and my survey in connection with marking your lines adjacent to the country club.

I traced back the land records concerning your woodlots and found that the southernmost one (Parcel 2) was mentioned but never described until Mr. Rusk bought the farm. At that time, Mr. Metcalfe surveyed the complete farm. I do not know what he based his survey upon, but his lines do not fit the adjacent properties. The deeds of the adjacent farms call for running with the Judge Wickes property, and he was a former owner of your farm. Under the circumstances, I believe that your claim to the revised lines is good.

In order to establish your lines through the woods adjacent to the country club, I had to traverse from the stone at the northwest corner of your farm to the old monument near Lovers Lane. While I was about it, I set the missing corners and re-set the two monuments that had been hit. I opened up the line through the woods, blazed trees and marked them with ribbon, and set a number of fiberglass posts on the line. I do not think that you will have any trouble following that line.

I would suggest that you file the plat of the woodlots in the courthouse. I will send away for linen prints for this and send them to you as soon as they come back.

Sincerely yours,

CRY & CC - EHP 50/761

9/11/1973

Begin stone at NE cor. Nichols, said stone being end
of N $5^{\circ}33'W$ - 840.20' line of Tract 1 of Ruse
N $85^{\circ}45'27''W$ - 1294.72' to I.P.

" 35.38' to pt in Lovers Lane

w/Edwards N $17^{\circ}32'15''W$ - 747.08' to C.M.

N $58^{\circ}34'15''W$ - 898.5' to E Lovers Lane

w/s £ (40' wide) R = 937.74 Chd N $02^{\circ}12'15''E$ - 107.84' ✓

of new lines ① N $58^{\circ}43'E$ - 147.05 to I.P. ✓

② N $68^{\circ}47'39''E$ - 464.45" " ✓

③ N $74^{\circ}42'23''E$ - 652.09" " ✓

④ S $81^{\circ}11'51''E$ - 1599.10' to con. post in fence line

w/ Sharp S $03^{\circ}18'26''W$ - 738.26' ✓

S $04^{\circ}52'32''W$ - 473.25' to C.M. & Anthony

w/s S $52^{\circ}39'29''W$ - 390.39' to I.P.

S $52^{\circ}39'29''W$ - 150.00' to stone "GAH"

S $15^{\circ}17'42''W$ - 846.04' to stone & Cooper

w/s N $85^{\circ}11'15''N$ - 359.91' to stone & Nichols

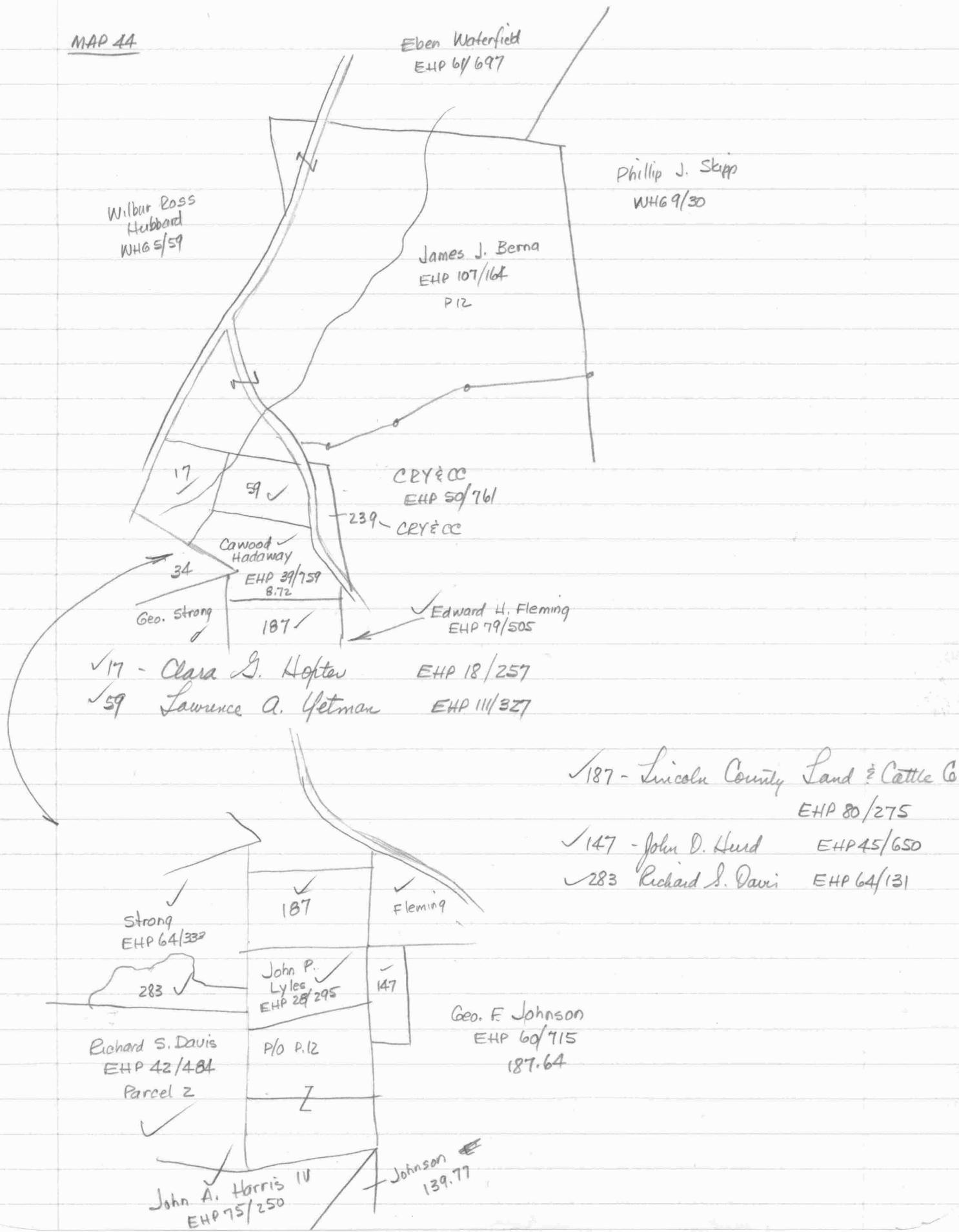
w/s N $05^{\circ}19'21''W$ - 842.38' to begin

72.077 Ac.

PLOTTED
1" = 660'



MAP 44



Lincoln County EHP 80/275

Parcel 1 - Lot in 7th District on road leading from Lovers Lane
adjoining James Thompson - 6 acres[±].
Being EHP 3/165 - tax sale of William D. B. Warren & sister

Lyles EHP 28/295 - from Wm. Warren Sr.

Six acres lying SW of Lovers Lane adjoining Wm. H. Rush
on N and S, Geo Strong on W and Leyyah on E

Hurd - EHP 45/650

Begin stone in line of Wm. Walker and Henry Chambers at
NE cor. of this lot

wf Chambers and Baker $501\frac{1}{2}^{\circ}$ W - 49.6 to stone

wf Baker $N74\frac{1}{2}^{\circ}$ W - 19.6

wf Henry Graves $N01\frac{1}{2}^{\circ}$ E - 44.8

wf Walker $S89\frac{1}{4}^{\circ}$ E - 19.2 to begin

5A 2R 28P

Together with 15' R/W to Lovers Lane

~~Hudson~~ EHP 39/759 (from James Thompson)

12A - woodland on S side Lovers Lane, bounded by Rush, Vincent
Cornegys & Harry Nichols

Being all of land on S side of id. in tract described
in RAS 1/197

JNG 12/40 - no descry

~~Fleming~~ EHP 79/505 - (from James Thompson)

same description as above (EHP 39/759)

~~Apparantly Thompson
sold the same
property twice~~

Davis EHP 64/131 - from Strong MCC. 1975
 PLOTTED 1" = 660
 --- S74°41'21"E - 372.21 to C.M. & Lyles (near stream)
 w/s S04°32'10"W - 296.50 to C.M. & Davis
 w/s N74°41'21"W - 1646.31 ---

Strong EHP 64/333 - "Frog Pond Farm" of 45 acres - no descrip
 S&E EHP 64/131

Davis EHP 42/484

PLOTTED 1" = 660
 --- N 23 $\frac{3}{4}$ E - 11.64 to Tom. Graves
 w/s N 81 $\frac{3}{4}$ E - 134.88
 w/ David Warren and Judge Wicker S04 $\frac{1}{4}$ W - 187.04
 w/ Merritt N 77°W - 157.76 ---

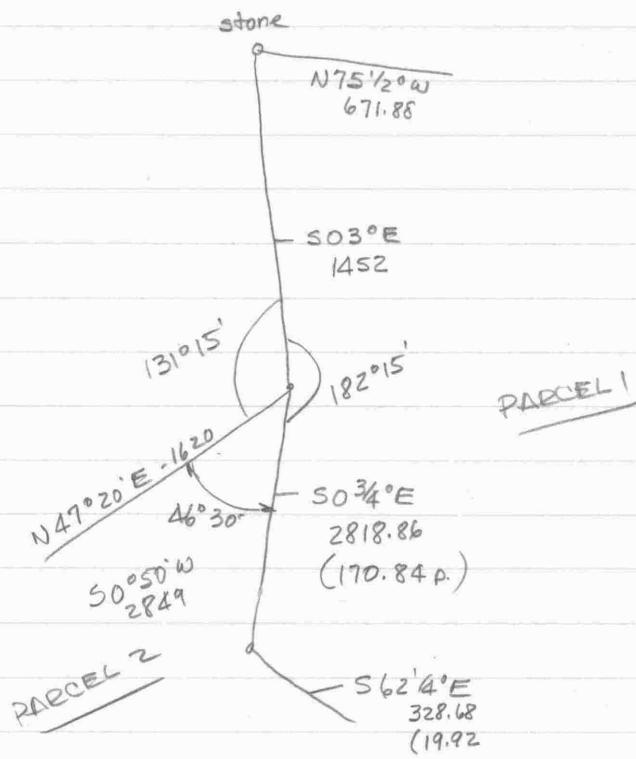
3086.16

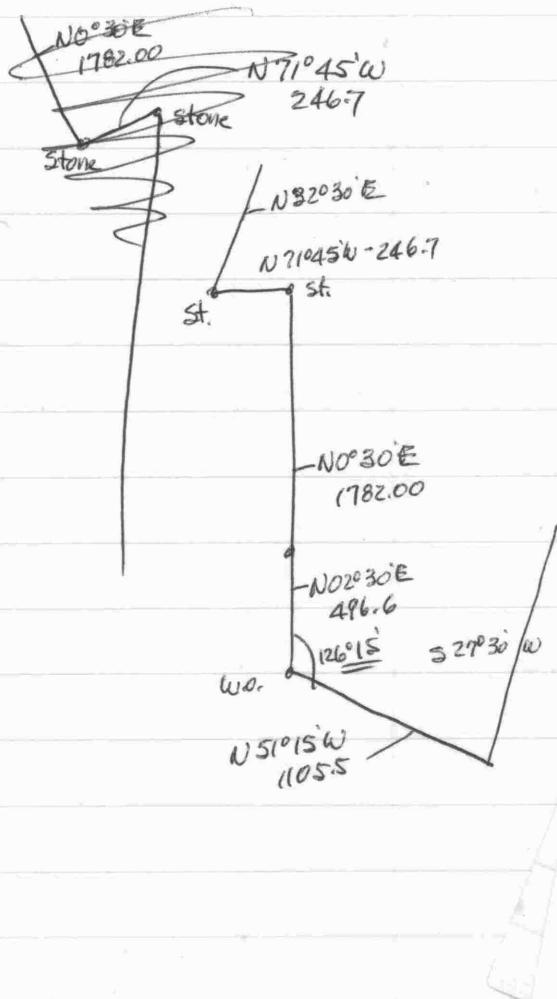
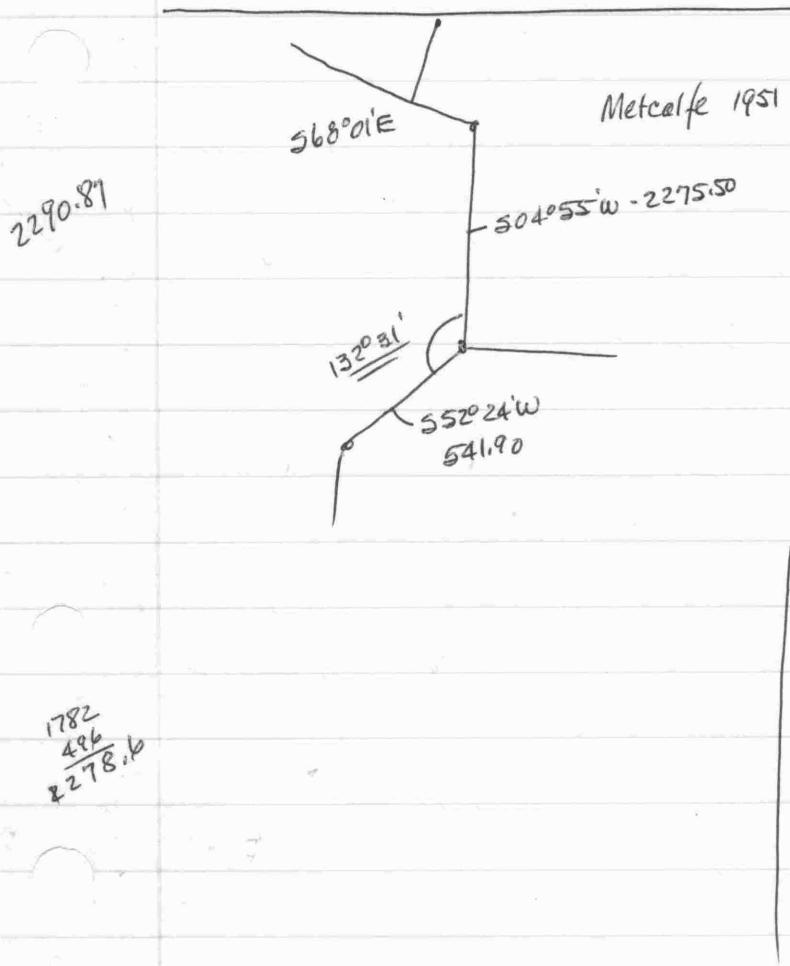
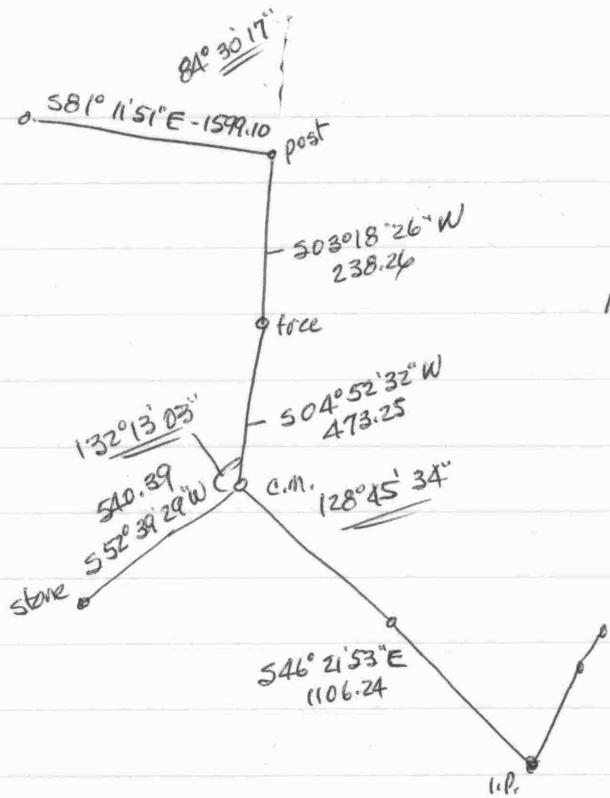
S&E - Begin & pub rd from Ains Hill to Pomona where
 road to Lankford branches off, said point 70.1' north of
 south end of 2nd line of Israel Heller
 w/e rd N 09°45'E - 316
 N 23°45'E - 192.1 to Tom. Graves
 wfs N 81°45'E - 2225.5 to David Warren
 wfs S04°15'W - 1410.8 to remaining land of Heller
 wfs N 75°15'W - 2302.4 to begin
 45 Ac.

Harris - EHP 75/250 MCC 1974

w/ Davis --- S 76°29'11"E - 2584.38 to stone

PLOTTED 1" = 660
 w/ Rusk N 84°27'29"E - 1129.72 " " & Gustafson
 S 47°14'25"W - 1620.00





MAP 44

18-Geo A Strong 64/333

187-Jas. H. Smith MLM 58/525



59 - Richard B. Walls MLM 22/316

67 - Eben Waterfield 85/446

109 Cartwood Hadaway 129/148

144 Wayne P. Cherrix 190/82

Paired w. 54 woods known
as the Thos. Murray heys
lands.

Cherrix 190/82 -

All that land on S side of Lower Lane shown in

RAS 1/197

SEE - 2 acres to American Legion EHP 9/171 Chigwell

JNC 12/40 - 24 acres - no descrip 1848 - part of tract called "Chigw -?" adjoining Avery Hill Farm - part of Richard Thomas &

Deborah bought July 26, 180

Run Thos. Murray prior to 1929

APR 1 - none

JTO 1 - none

SB 3 - none

JKH 3 - none

BC 5/488

BERNA 2

DESCRIPTION OF PART OF THE WAYNE P. CHERRIX LANDS,
SEVENTH DISTRICT, KENT COUNTY, MD.

Beginning for the same at a stone marking the northeast corner of the lands of James J. Berna, a corner for the lands of Carwood Hadaway, and on the line of the lands of Wayne P. Cherrix; and running, thence, by and with said Hadaway lands N 07 28 30 E - 136.60' to an iron pipe and the southwest side of Lovers Lane (33' wide); thence, by and with the southwest side of said lane along a curve the chord of which is S 58 38 30 E - 54.69' to an iron pipe and a new division line between the herein described lands and other lands of Cherrix; thence, by and with said new division line S 07 28 30 W - 177.80' to an iron pipe and N 82 31 30 W - 47.07' to an iron pipe and the lands of James Berna; thence, by and with said Berna lands N 04 49 20 E - 63.40' to the place of beginning. Containing in all 0.215 acres of land, more or less.

February 28, 1995.

William R. Nuttle.

Hoon & Barroll

ATTORNEYS AT LAW

PHILIP W. HOON
R. STEWART BARROLL

LEGAL ASSISTANTS
REBECCA L. ROGERS
MARY S. TAYLOR

104 SOUTH CROSS STREET
P. O. BOX 180
CHESTERTOWN, MARYLAND 21620
(410) 778-6600
FAX (410) 778-6637

September 28, 1994

Mr. Wayne Cherrix
707 West 28th Street
Wilmington, DE 19802

Re: Lover's Lane Property

Dear Mr. Cherrix:

Mr. Berna has asked me to write you this letter as apparently your schedule has been too busy to set up a meeting before Mr. Berna leaves the country next week on business.

Enclosed you will find a copy of a survey that was done by Bill Nuttle back in 1981. Mr. Berna proposes to purchase from you a strip of land 200' x 50' (which equals 10,000 square feet, which equals 1,111 square yards, or 0.22 acres). Mr. Berna proposed to pay you \$2,500 which is based on \$11,363 per acre. The attached survey shows the area which Mr. Berna proposes to buy. The advantage of this is that it would allow Mr. Berna access to his lot from Lover's Lane and would not interfere with your existing access to your lot. This would appear to be an expedient way to solve the problem. Mr. Berna would bear all expenses of preparing the deed, recording costs, etc.

After you have had a chance to review this, please give me a call so that we may discuss the matter further.

With best wishes, I remain

Sincerely yours,


R. Stewart Barroll

Enclosure

cc: Mr. James J. Berna (w/enclosure)

BC 5/488 - also woods lot called Chugwell adjoining Rbt. Late?

Begin stone

W^t Thomas Purchase 50 p.

st. & s. 150 p.

parallel to 1st line 50

thence to begin to include 50 acres

MAP 44



109 Canwood Hadaway

144 Wayne P. Cherrix

187 James H. Smith

329 James J. Berna

DESCRIPTION OF A RIGHT-OF-WAY OVER THE LANDS OF JAMES J. BERA,
SEVENTH DISTRICT, KENT COUNTY, MD.

Beginning for the same at a point on the southwest side of Lovers Lane (33' wide), said point being the northeast corner of the herein described lands and the northwest corner of the lands of Wayne P. Cherrix; and running, thence, by and with said Cherrix lands S 07 28 30 W - 177.80', N 82 31 30 W - 47.07', and S 04 49 20 W - 602.73' to the northeast corner of the lands of James H. Smith; thence, by and with said Smith lands N 81 16 10 W - 20.05'; thence, along a line parallel to and 20' from the third line of this description N 04 49 20 E - 665.92' to the lands of Cawood Hadaway; thence, by and with said Hadaway lands S 81 51 30 E - 20.03' and N 07 28 30 E - 136.60' to the southwest side of Lovers Lane; thence, by and with the southwest side of said road along a curve the chord of which is S 58 38 30 E - 54.69' to the place of beginning. Containing in all 0.521 acres of land, more or less.

August 10, 2000.

William R. Nuttle.

Hoon & Barroll

ATTORNEYS AT LAW

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(410) 778-6600
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March 14, 1995

Mr. William R. Nuttle
P. O. Box 371
Chestertown, MD 21620

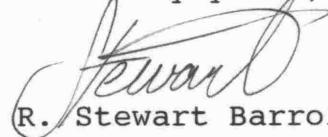
Re: James J. Berna

Dear Bill:

Enclosed please find a copy of the TAC minutes for the Berna/Cherrix adjustment of lot lines. Please do whatever is necessary to comply with the TAC recommendations and to complete the application process. Please let me know if you need any assistance from us in this procedure.

With best wishes, I remain

Sincerely yours,



R. Stewart Barroll

RSB:r

Enclosure

cc: Mr. James J. Berna
Maria C. Boria-Berna
Mr. and Mrs. Cherrix

Johnson (cont.)

JTD 18/245

Begin at SE cor. on S side rd. on line with school house
and lands of Walter Trew

N 27° E - 9.76 to stone

~~S 2 E~~

w/ Sam Houston N 21° E - 11.36

~~618BS~~

w/ Alex Willis N 28 1/2° E - 15.76

N 12 1/2° E - 12.12

w/ Trew S 53 1/2° W - 56.48 to E rd. (Lovers Lane)

w/ E rd. S 63 1/2° E - 12.21

S 59 1/4° E - 18 to begin

Parcel 2 Begin stone on line of Robt Ford at NE
cor 33-acre tract of Catherine J. Stauffer

N 44° 43' E - 1001.5

N 47° 20' E - 1620 to stone on line of Trew

w/ Trew ~~S 50° 50' W~~ S 50° 50' W - 2849

S 68° 30' E - 325 to E rd.

w/s S 46° 05' W - 380 to E private rd.

w/s S 01° 05' W - 2585 to Isaac Leaverton

w/s N 74° 45' W - 1012

N 26° W - 853 to Stauffer

w/s N 59 50' E - 562.5 to stone

N 22° 10' W - 2763 to begin

SSE - 10.797 acres - Murray H. Boyer to Tom S. Collens

JTD 31/274

S 2 E - 1 acre Elmer Gustafson to David Kelley W+G 77/347

EHP 60/715 - Johnson

Parcel 1 - Begin stone on hill on line of Burchinal
and east of pub rd. from school house to Airey Hill
Farm

w/Burchinal N $75\frac{1}{2}^{\circ}$ W - 10¹⁶⁵ to E rd:

w/s N $04\frac{3}{4}^{\circ}$ E - 8 132 ✓

N $23\frac{1}{4}^{\circ}$ W - 10 165 ✓

N 48° W - 16 264 ✓

N $31\frac{3}{4}^{\circ}$ W - 46.64 to Walker

w/s N $88\frac{1}{4}^{\circ}$ W - 17.8 to J.H. Chambers

w/s S $01\frac{3}{4}^{\circ}$ W - 12.76 210.54 ✓

N $89\frac{1}{4}^{\circ}$ W - 10.4 171.6 to stone

S 01° W - 37.44 617.76 ✓

N $75\frac{1}{2}^{\circ}$ W 40.72 to stone

w/ Wades S 03° E - 88 1452 ✓

w/Maslin S $03\frac{1}{4}^{\circ}$ E - 170.84 2818.86 ✓

562 $\frac{1}{4}^{\circ}$ E - 19.92 to W side rd.

w/s N 43° E - 26.8 442.2 ✓

N $33\frac{1}{2}^{\circ}$ E - 89 1468.5 ✓

N $33\frac{3}{4}^{\circ}$ E - 156 2574 to stone & Walker

w/s N $04\frac{3}{4}^{\circ}$ E - 6.24 102.96 ✓

N 25° E - 18 297 ✓

N $08\frac{3}{4}^{\circ}$ E - 15 247.5 ✓

N $36\frac{1}{4}^{\circ}$ W - 9 148.5 ✓

N $13\frac{1}{2}^{\circ}$ W - 22 to marked gum & Burchinal

w/s 555 $\frac{1}{4}^{\circ}$ W - 73.04 1205.16 ✓

S $01\frac{1}{4}^{\circ}$ W - 8.8 145.2 to begin ✓

SPE - Few to James Diggs (over) JTD 18/245

Hadaway - EHP 39/759 - from Comegys

Parcel 1 - Begin stone SE cor. at cor. of Murray

w/s N83°45'W - 243.5 to stone & Pole Rollison

w/s N05°40'E - 155 ✓ " & Jim Floyd

w/s N77°30'E - 53 ✓

N 50°45'W - 460 ✓ to stone & Tom Kennard

w/s N44°30'E - 404 ✓ to post & Comegys

w/s S32°15'E - 85 to gum

S56°E - 282.5

S03°W - 541 to begin

5.41 Ac.

Parcel 2 - 5 acres adjoining Parcel 1 - Thos Murray lot

Yetman - EHP 111/327 - from Bakker

Begin at NE cor. on line of Jos. Wicker

w/s N59 $\frac{3}{4}$ °W - 26.8 ✓ to Wm. Graves

w/s S30 $\frac{1}{2}$ °W - 21.4 ✓

S59 $\frac{3}{4}$ °E - 39.32 to pub rd.

w/ Wicker lot North 24.8 to begin

4 A 1 R 27 P

Hoyer EHP 18/257 from Thompson

Begin E rd on line of Wickers

S31 $\frac{3}{4}$ °W - 21.40 ✓

S47 $\frac{1}{2}$ °W - 18.20 ✓

S51 $\frac{1}{2}$ °E - 31.20 ✓

N47 $\frac{1}{4}$ °E - 22.90 ✓

N30 $\frac{1}{4}$ °E - 21.40

N59 $\frac{3}{4}$ °W - 32.20 to begin

8 A 1 R 25 P

PLOTTED
1" = 660

PLOTTED
1" = 660

PLOTTED
1" = 660

Berna EHP 107/164

EHP 60/588 - Rush to Berna

W.H.G. 17/613 Miller to Rush - Hugh M. Wm. H.

W.H.G. 8/289 Stirling to Miller

① Description of farm

② Also detached woodlot west of Lovers Lane

Begin stone at ca. Harry Nichols & Vincent Comegys

said pt being S07°W-162' from aforementioned large stone
on E side Lovers Lane at root of large oak tree

w/s Comegys N 82° 20'W - 823 to Heller

w/s S 07° 09'W - 669 to stone and John Warren

w/s S 82° 10'E - 871 to Nichols & stake, said stake

being 11' N dir. from marked pin oak

of Nichols N 03° 12'E - 663 to begin

(3 A±)

③ Also another detached woodland located SW dir.
from ② at distance of about 700', but metes and
bounds are not definitely determined. Estimated at
about 15 acres.

Being RAS 28/135 straw deed - same descrip

RAS 12/488 De Ford to Stirling "

RRA 1/434 Nichols, trustee, ^{for Jno. Fischer} to De Ford

1922

no descrip - mentions
1 woodlot

2275.50

Berna - EHP 107/164

Metcalf 1951

Tract 1 (farm)

Begin CM at NW cor.

w/f Nichols & Shipp $568^{\circ}01'E$ - 2866.80 to stone

w/f Shipp $504^{\circ}55'W$ - 2275.50 to C.M. & Anthony Woodlot

w/s $552^{\circ}24'W$ - 541.90 to stone "G.A.H."

$315^{\circ}03'W$ - 844.80 to stone & Ed. Miller

w/s $N85^{\circ}22'W$ - 360.30 to stone & Harry Nichols Woodlot

w/s $N05^{\circ}33'W$ - 840.20 to stone

$N85^{\circ}54'W$ - 1330.40 to large flat stone on E side Lovers Lane

w/f Vincent Comegys & Geo. Warren & Will Thompson $N17^{\circ}41'W$ - 748.20 to C.M.

$N58^{\circ}43'W$ - 974.60 to E rd to Pomona (stone $558^{\circ}43'E$ - 25.00)

w/f C rd. $N33^{\circ}50'E$ - 1568.90 ✓

$N27^{\circ}26'E$ - 119.60 to Hubbard

w/s & Nichols $N05^{\circ}19'E$ - 902.30 to begin

215.707

S & E - 72.077 Ac. to CRY & CC ~~50~~ / 761
EHP

PLOTTED
 $1'' = 660'$

Tract 2 Begin stone at NE cor. herein on line of Harry Nichols and Vincent Comegys, said stone being $502^{\circ}38'W$ - 161.00 from stone described in Tract 1 as being on E side Lovers Lane

w/f Nichols $503^{\circ}48'W$ - 665.90 to stone NE cor. Geo. Warren

w/s $N82^{\circ}12'W$ - 868 to stone and Andrew Strong

w/s $N07^{\circ}41'E$ - 659.10 to stone on line of Vincent Comegys

w/s $582^{\circ}34'E$ - 822.80 to begin

12.80 Ac.

Tract 3

85 12

PLOTTED
 $1'' = 660'$

Begin stone NE cor. herein on line of Geo. Warren and Irving Brown said stone $50^{\circ}57'W$ - 664.40 from stone at SE cor. of Woodlot No. 1

w/f Brown $506^{\circ}31'W$ - 1489.40 to stone and Walker

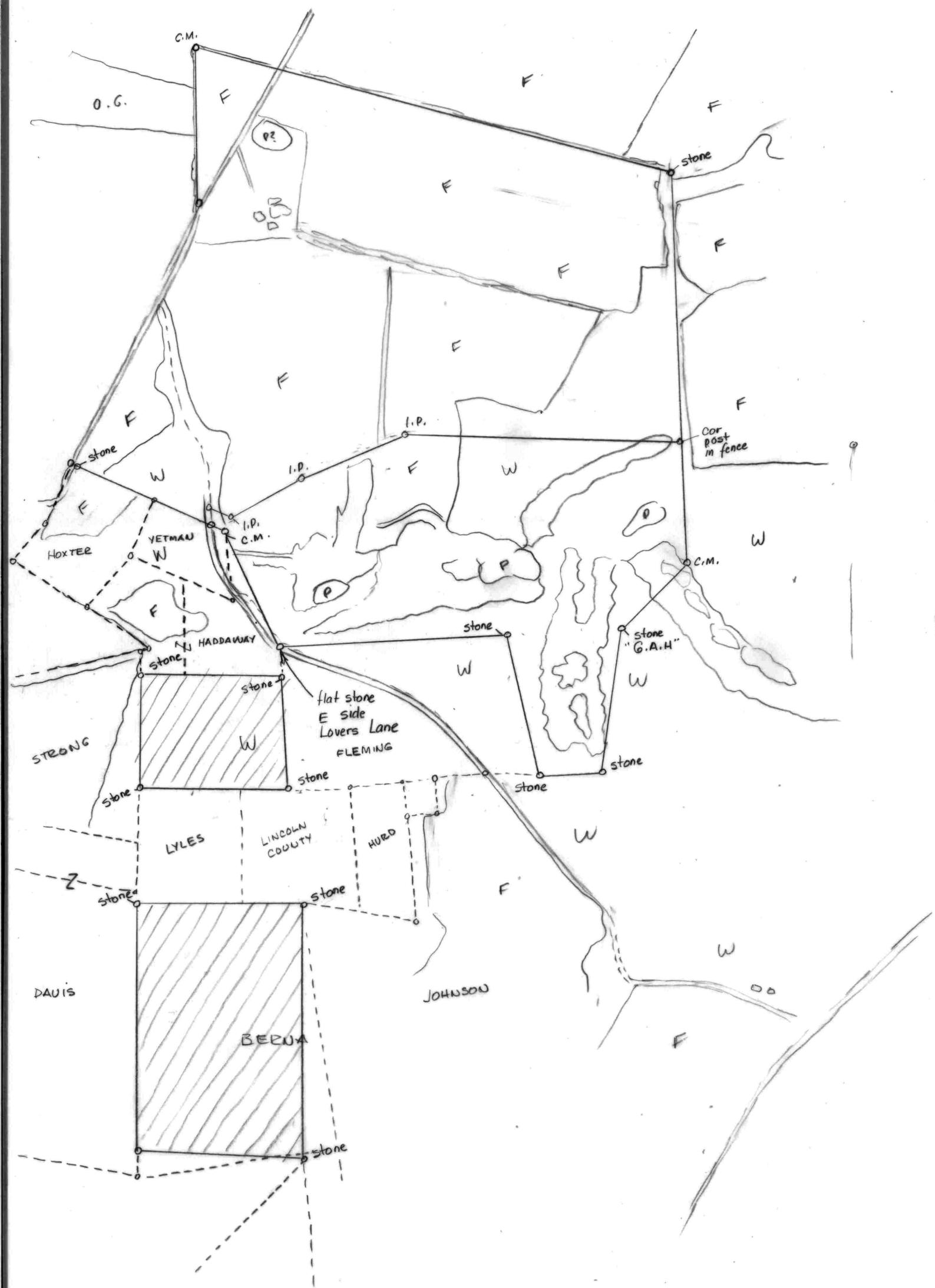
w/s $N79^{\circ}56'W$ - 969.30 to Turner

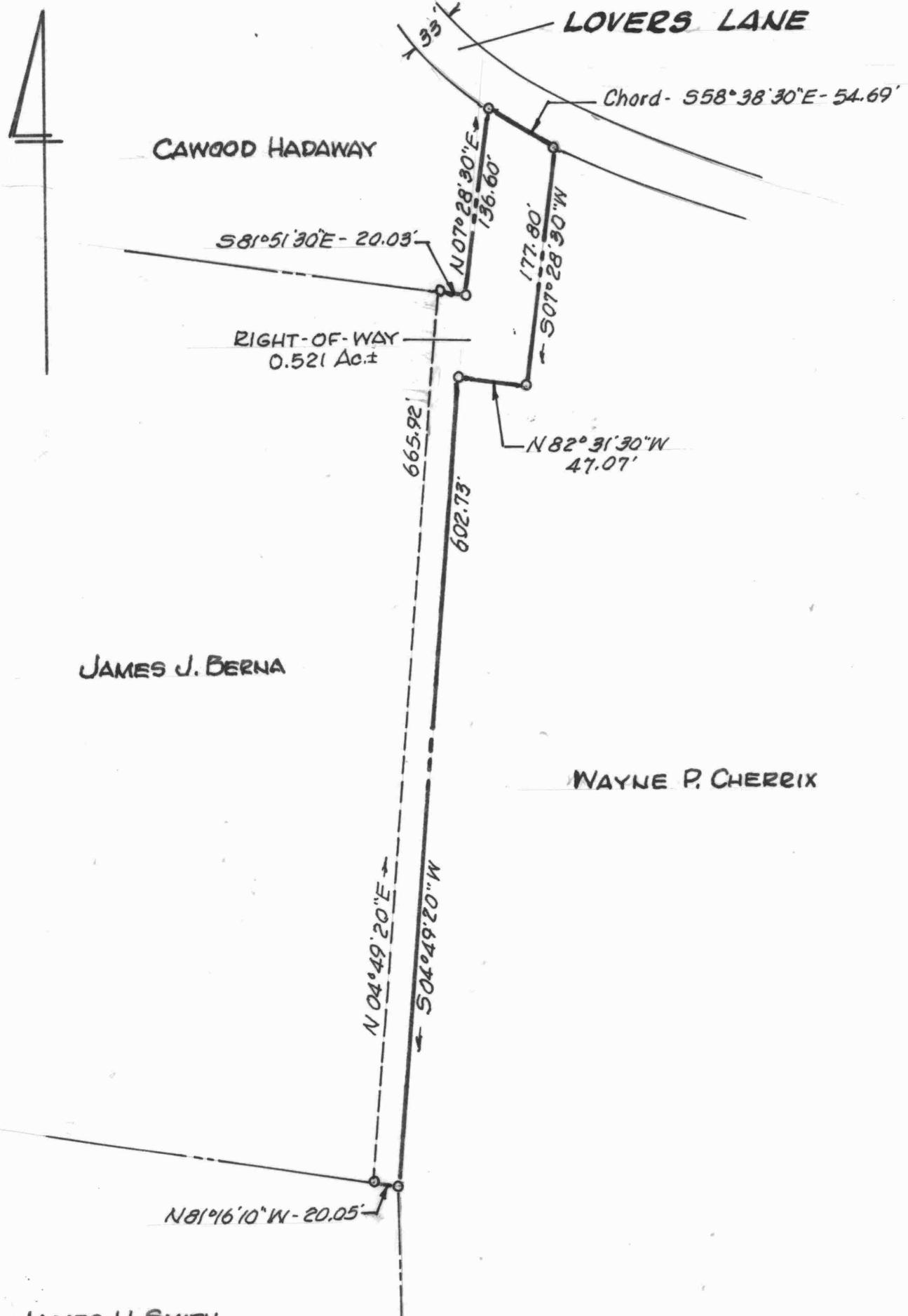
w/s $N07^{\circ}07'E$ - 1438.40 to stone at SW cor. Geo Warren,

said stone being $507^{\circ}35'W$ - 671.10 from stone at SW cor. Woodlot No. 1

w/f Warren $582^{\circ}58'E$ - 943.40 to begin 32.00 Ac.

S & E - burial
loc 196 E
of dug - 40
of square



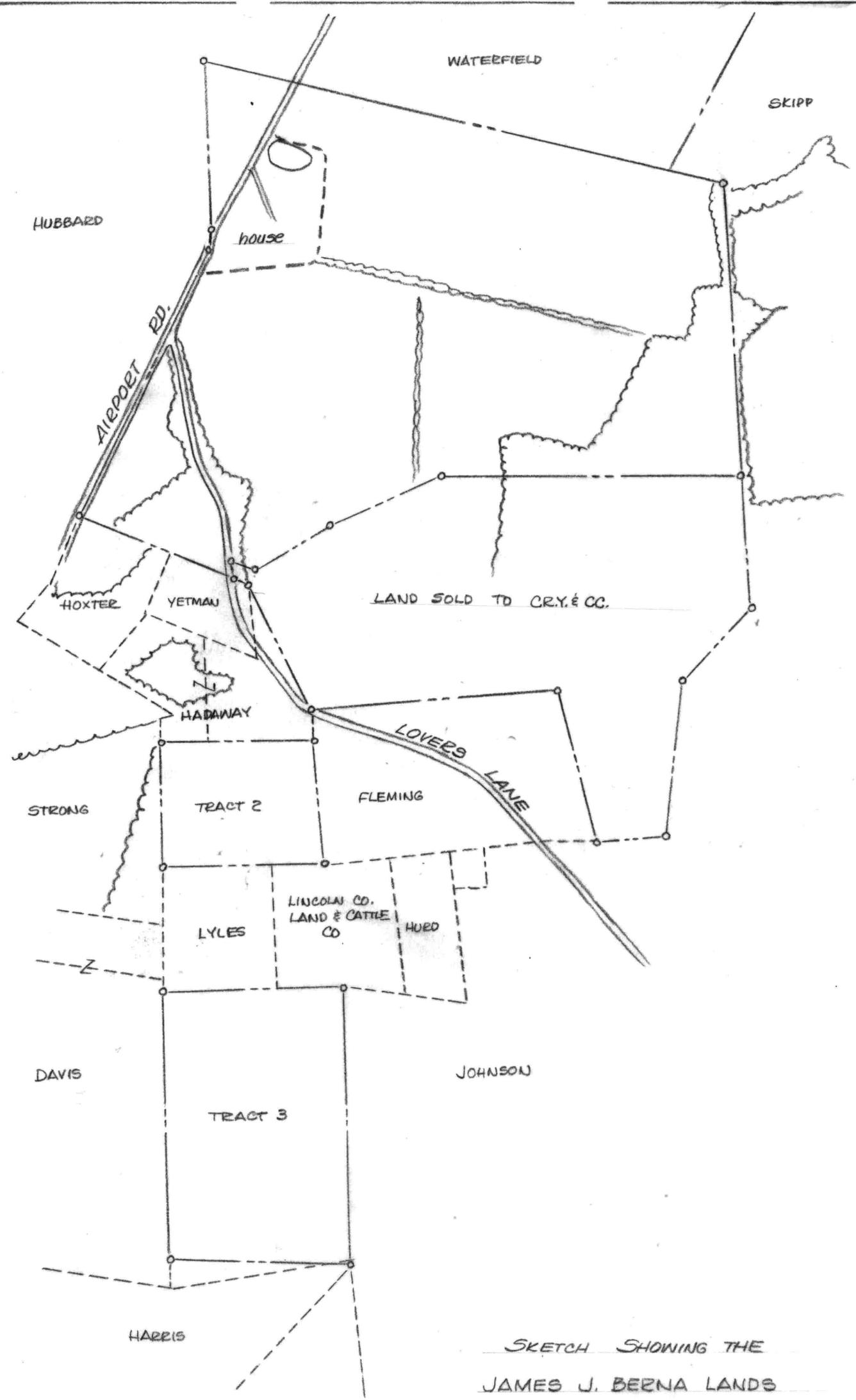


PLAT SHOWING RIGHT-OF-WAY OVER
JAMES J. BERNA LANDS

7TH DISTRICT, KENT COUNTY, MD.

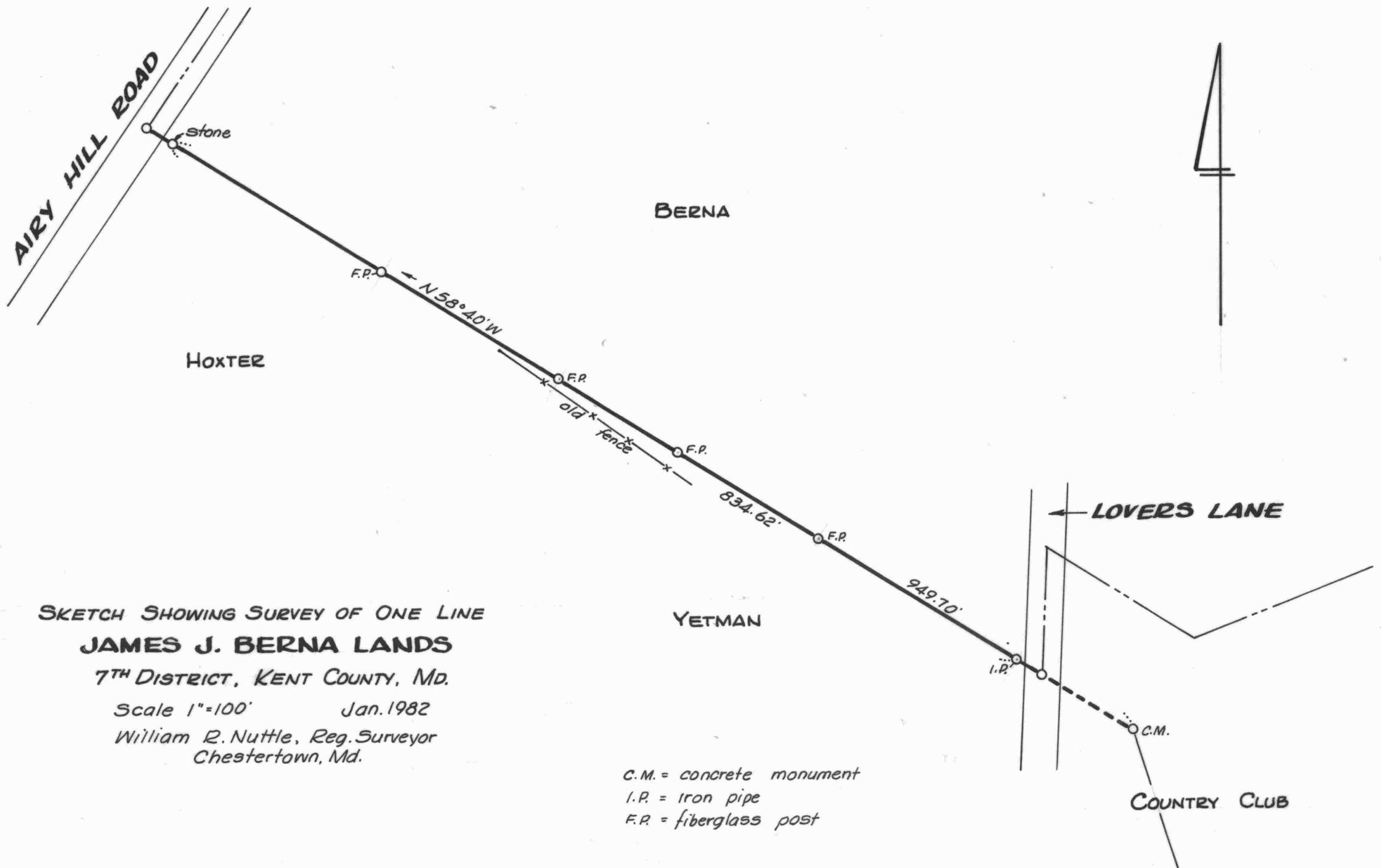
Scale 1" = 100' Aug. 2000.

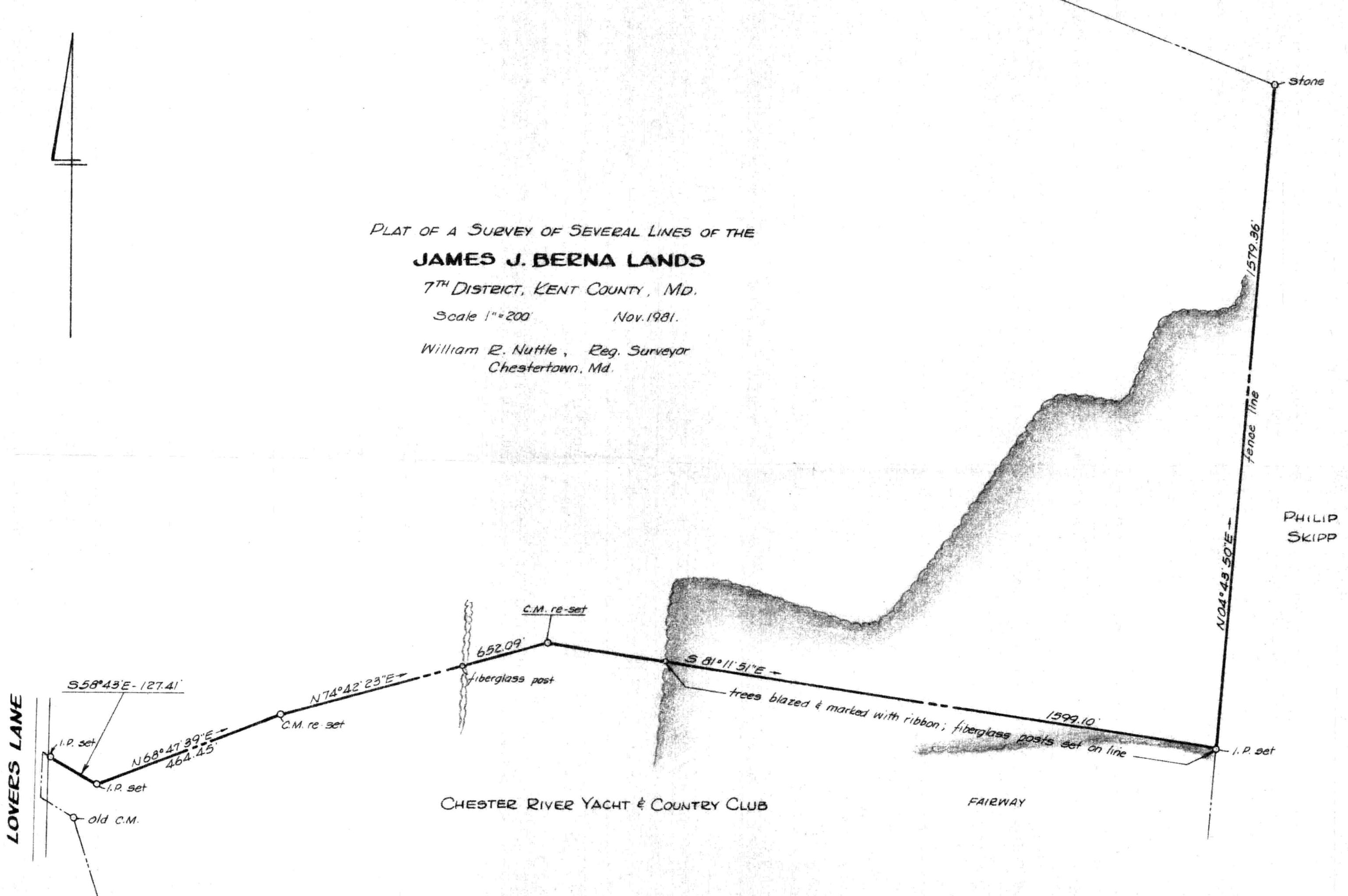
William R. Nuttle, Reg. Surveyor
 Chestertown, Md.

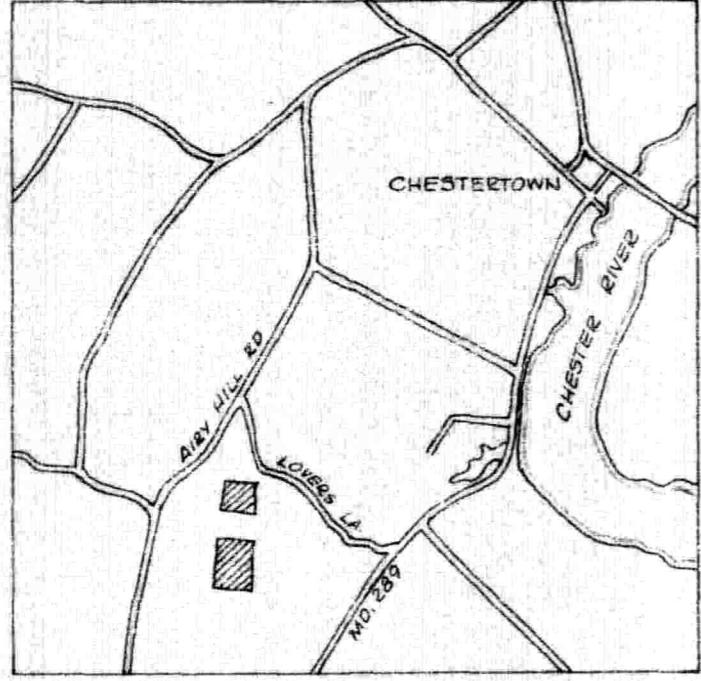


SKETCH SHOWING THE
JAMES J. BERNA LANDS

1" = 660' April 1981







GEORGE STRONG

CAWOOD HADAWAY

EDWARD H. FLEMING

MAG. NORTH
1981

PARCEL 1
12.810 ACRES*

LINCOLN COUNTY LAND & CATTLE CO.

* JOHN D. LYLES
(Formerly Wm. Warren)

RICHARD S. DAVIS

GEORGE F. JOHNSON

PARCEL 2
36.383 ACRES

Property lines according to
Metcalf Survey, Jan. 1951.

JOHN A. HARRIS, IV

PLAT OF A SURVEY OF THE JAMES J. BERA LANDS

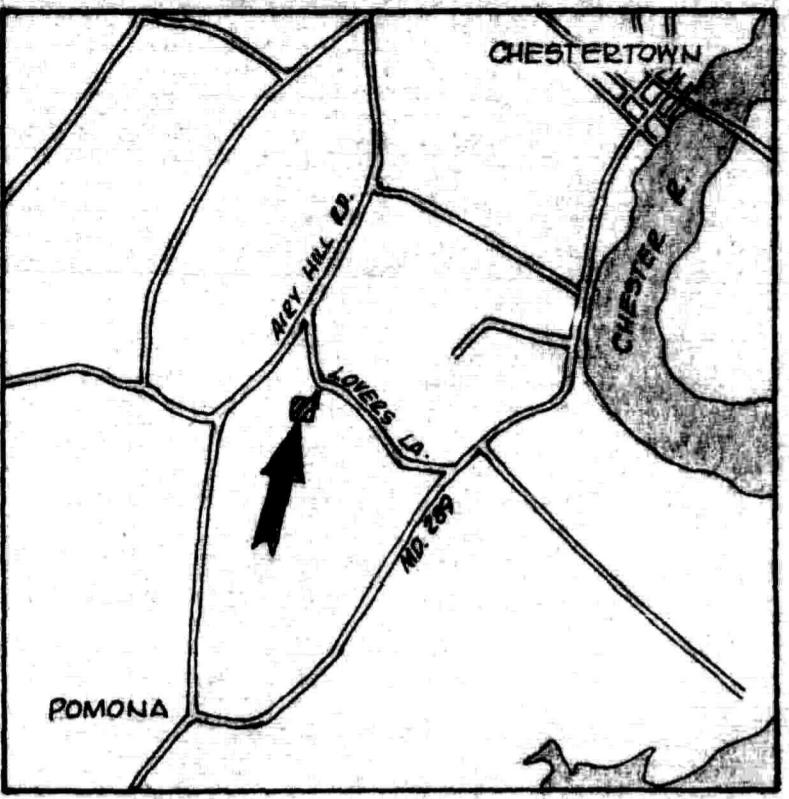
7TH DISTRICT, KENT COUNTY, MD.

Scale 1"-200

Nov. 1981

William R. Nuttle, Reg. Surveyor
Chestertown, Md.

Note: A metes & bounds description of Parcel 2 first appeared in the Land Records in a deed from Miller to Rusk (W.H.G. 17/613) and was based upon a survey by J. B. Metcalfe. Lines of this survey conform to surveys and descriptions of adjacent properties.



CARWOOD HADAWAY
EHP 129/148

Chord- $S 58^{\circ} 38' 30'' E - 54.69'$

PART OF THE CHERRIX LANDS
TO BE ADDED TO BERNA LANDS.
0.215 Acre

GEORGE A. STRONG
EHP 64/333

JAMES J. BERNA
EHP 107/164

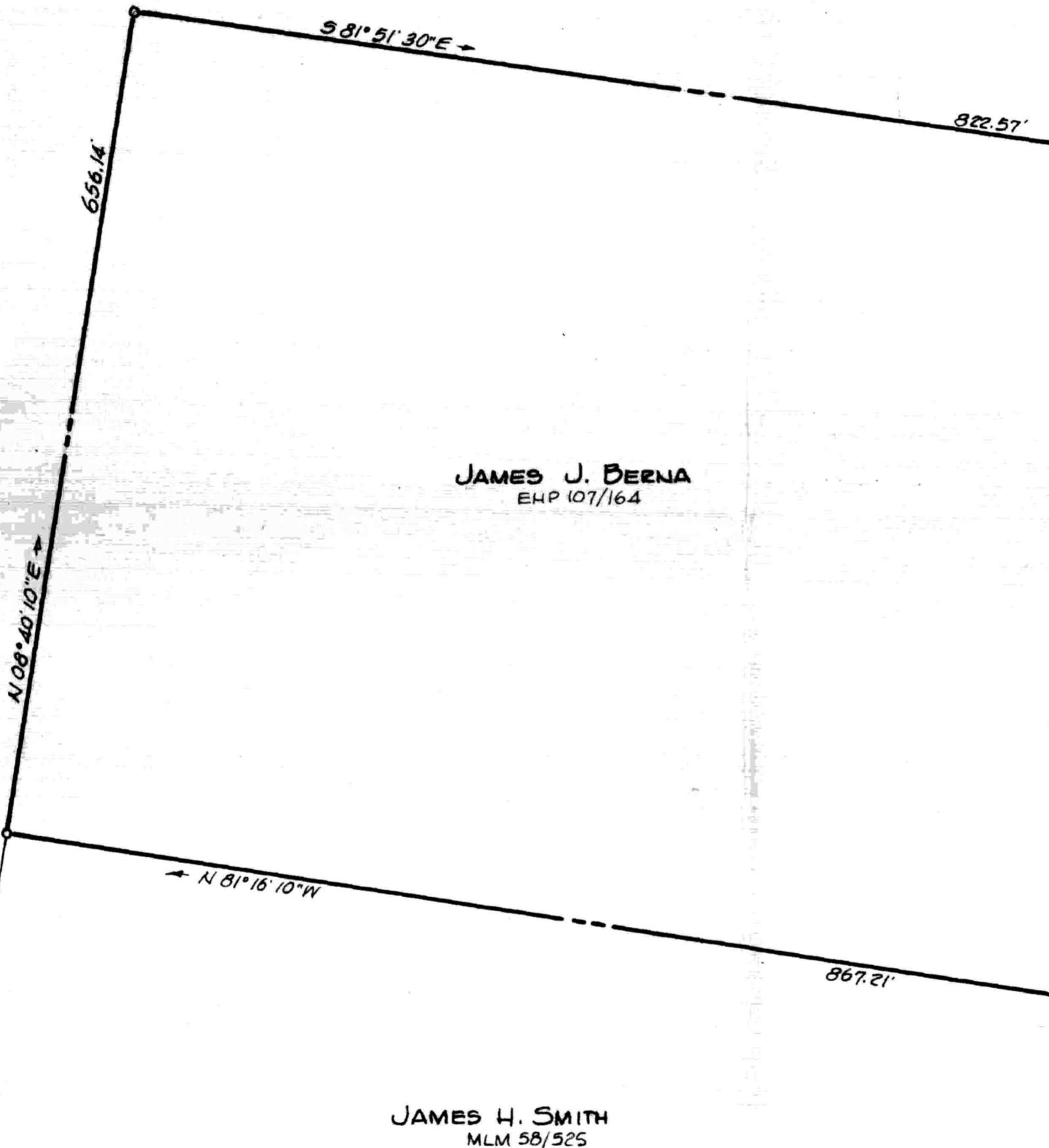
WAYNE P. CHERRIX
EHP 190/82



William R. Nuttle

JAMES H. SMITH
MLM 58/525

APPROVED BY:
Kent County Director of Planning
Kent County Health Officer



Note: No description was found of either the Cherrix or Hadaway tracts. Previous surveys of the farm now owned by Berna and an 1809 description of the tract out of which the Cherrix property was cut indicate the line between Hadaway and Cherrix in the position shown.

PROPERTY LINE ADJUSTMENT BETWEEN BERNA & CHERRIX LANDS

7TH DISTRICT, KENT COUNTY, MD.

Scale 1"=100' Nov. 1994.

William R. Nuttle, Reg. Surveyor
Chestertown, Md.